

**DECLARATION AND POWER OF ATTORNEY**  
**(Attorney Docket No. 112020.122)**

As below-named inventors, we hereby declare that:

Our residence, post office address and citizenship is as stated below next to our name.

We believe that we are an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ELECTROMECHANICAL MEMORY HAVING CELL SELECTION  
CIRCUITRY CONSTRUCTED WITH NANOTUBE TECHNOLOGY**

the specification of which (check only one):

- ☒ [ X ] is attached hereto.
- ☐ [ ] was filed as United States Patent Application  
Serial No. \_\_\_\_\_  
on \_\_\_\_\_  
and was amended  
on \_\_\_\_\_  
(if applicable)
- ☐ [ ] was filed as PCT Patent Application  
Serial No. \_\_\_\_\_  
on \_\_\_\_\_  
and was amended under PCT Article 19  
on \_\_\_\_\_  
(if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, Sections 1.56(a) and 1.56(b).

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

EXPRESS MAIL LABEL NO. EV207615097  
DATE OF DEPOSIT 10-24-03

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS  
UNDER 35 U.S.C. §119(a)-(d) or 365(b):**

| <b>COUNTRY</b><br>(if PCT indicate<br>PCT) | <b>APPLICATION NUMBER</b> | <b>DATE OF FILING</b> | <b>PRIORITY CLAIMED</b><br><b>UNDER 35 U.S.C. §119(a)-</b><br><b>(b) or 365(b) (YES/NO)</b> |
|--|---------------------------|-----------------------|---|
|--|---------------------------|-----------------------|---|

We hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional patent application(s) listed below:

| <b>APPLICATION NUMBER</b> | <b>DATE OF FILING</b> | <b>STATUS: (PENDING OR<br/>ABANDONED)</b> |
|---------------------------|-----------------------|---|
|---------------------------|-----------------------|---|

We hereby claim the benefit under Title 35, United States Code, § 120 or 365(c) of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120 or 365(c):**

| <b>APPLICATION NUMBER</b> | <b>DATE OF FILING</b><br>(day, month, year) | <b>STATUS: (PATENTED, PENDING<br/>OR ABANDONED)</b> |
|---------------------------|---|---|
|---------------------------|---|---|

**POWER OF ATTORNEY:** As named inventors, we hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith

|                       |                 |
|-----------------------|-----------------|
| Michael J. Bevilacqua | Reg. No. 31,091 |
| James B. Lampert      | Reg. No. 24,564 |
| Wayne M. Kennard      | Reg. No. 30,271 |
| Hollie L. Baker       | Reg. No. 31,321 |
| Wayne A. Keown        | Reg. No. 33,923 |
| Donald R. Steinberg   | Reg. No. 37,241 |
| Michael A. Diener     | Reg. No. 37,122 |
| Richard A. Goldenberg | Reg. No. 38,895 |
| Peter M. Dichiaro     | Reg. No. 38,005 |
| Ann-Louise Kerner     | Reg. No. 33,523 |
| Colleen Superko       | Reg. No. 39,850 |
| Keum J. Park          | Reg. No. 42,059 |
| Jason A. Reyes        | Reg. No. 41,513 |

**Attorney Docket No. 112020.122**

|                      |                 |
|----------------------|-----------------|
| Rajesh Vallabh       | Reg. No. 35,761 |
| Ayla A. Lari         | Reg. No. 43,739 |
| Janice M. Klunder    | Reg. No. 41,121 |
| Nancy Chiu           | Reg. No. 43,545 |
| Henry N. Wixon       | Reg. No. 32,073 |
| Joseph F. Haag       | Reg. No. 42,612 |
| Wendy A. Haller      | Reg. No. 35,177 |
| David L. Cavanaugh   | Reg. No. 36,476 |
| David J. Cervený     | Reg. No. 44,600 |
| Gregory S. Discher   | Reg. No. 42,488 |
| Irah H. Donner       | Reg. No. 35,120 |
| Edward D. Grieff     | Reg. No. 38,898 |
| Anthony Kahng        | Reg. No. 42,704 |
| Cynthia K. Nicholson | Reg. No. 36,880 |
| Gary A. Walpert      | Reg. No. 26,098 |

the mailing address and telephone number of each of whom is HALE AND DORR LLP, 60 State Street, Boston, Massachusetts 02109 and (617) 526-6000, with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**Send Correspondence To**

**Peter M. Dichiara  
Hale and Dorr LLP  
60 State Street  
Boston, MA 02109**

**Direct Telephone Calls To**

**Peter M. Dichiara  
(617) 526-6466**

Wherefore we petition that letters patent be granted to us for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements

**Attorney Docket No. 112020.122**

were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of first inventor: Brent M. Segal, Ph.D.**

Inventor's signature Brent M. Segal Date 7/30/01

Country of Citizenship: United States

Residence: 89 Jerome Street  
Medford, MA 02155

Post Office Address: 89 Jerome Street  
Medford, MA 02155

**Full name of joint inventor: Darren K. Brock, Ph.D.**

Inventor's signature [Signature] Date 8/2/01

Country of Citizenship: United States

Residence: 94 Nob Hill Drive  
Elmsford, NY 10523

Post Office Address: 94 Nob Hill Drive  
Elmsford, NY 10523

**Full name of joint inventor: Thomas Rueckes, Ph.D.**

Inventor's signature Thomas Rueckes Date 7/30/01

Country of Citizenship: Germany

Residence: 836 Belmont Street  
Watertown, MA 02472

Post Office Address: 836 Belmont Street  
Watertown, MA 02472